

JUL 21 2006

## REMARKS

Applicant gratefully acknowledges the Examiner's Interview and respectfully submits the remarks as discussed in the Interview. It was discussed that the amendments made to claims 2 clarify distinguishing points over prior art previously cited. The same amendments are reflected in independent claims 38 and 114. Regarding the reaction products exhibiting solubility with refrigerant, hydrocarbons or fuel solvents, , the Examiner's attention is drawn to the broad disclosure on page 17, lines 6-10, indicating solubility in freon refrigerants as well as the hydrocarbons and fuels discussed throughout the specification (i.e. pg 2 and pg 3). "A particular object of this invention is to provide a refrigeration oil lubricant that is compatible with naphthenes, paraffins, alkyl benzenes, mineral oil, polyol esters, polyalphaolefins, polyalkylene glycols, polybutenes and polyvinyl ethers." Page 3 of the Specification

Reference is also made to the physical demonstration of the solubility in organic solution of the current invention of claim 2 in comparison with prior art as viewed during the Interview.

Claims 9, 24 and 47 are cancelled.

In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the references and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and Applicant's present invention have been made by Applicant. For the foregoing reasons, and without prejudice, Applicant reserves the right to submit additional evidence showing the distinctions between Applicant's invention to be non-obvious in view of the prior art.

The remarks herein are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some

of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention that render it patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

Additionally, the declaration of Fred Massey is submitted herewith as a showing that there was a recognized need in the industry as noted by the repeat failures of prior art lubricants at high pressures. To address this problem, the industry has historically and continues today to attempt to use halogenated or sulfonated compounds to obtain better extreme pressure benefits, but use of these compounds often exhibits severe corrosive reactions within mechanical systems. This shortcoming of the prior art is overcome in the current invention.

The current invention was developed specifically to address the long felt need. As noted in the declaration, the composition of the invention has been the focus of significant market success even though they have only been marketed for short time. This demonstrates clear recognition by the industry that the composition of the current invention addresses a long felt need that others have failed to address. See *Graham v. John Deere Company*, 383 U.S. 1, 17-18 (1966).

Furthermore, the transesterified fatty acid of the invention of claim 2, 38, 114 and dependent claims shows surprising results, when compared to castor oil and to Sturwold. The declaration of Fred Massey indicates results of testing showing the Falex failure load for several embodiments of the current invention and that of Sturwold, created in accordance with the

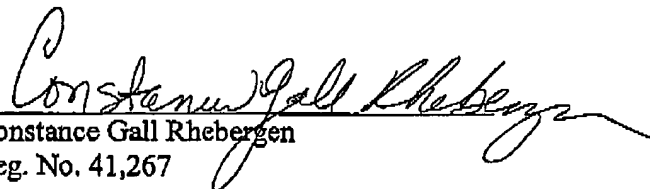
description in the specification.. As can be seen, the transesterified fatty acid ester of the invention is remarkably superior to Sturwold..

In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the references and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and Applicant's present invention have been made by Applicant. For the foregoing reasons, Applicant reserves the right to submit additional evidence showing the distinctions between Applicant's invention to be unobvious in view of the prior art.

The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention, which render it patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

Reconsideration of the application and allowance of all of the claims are respectfully requested. In view of the foregoing Response, Applicant respectfully submits that all of the claims are allowable, and Applicant respectfully requests the issuance of a Notice of Allowance. Should further discussion regarding the application be desired by the Examiner, a telephone conference is respectfully requested. I can be reached at (713) 221-3306.

Respectfully submitted,

  
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